

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

IGOR YEVSITSEEV, et al.,

Plaintiffs,

-vs-

**MOTION SCHEDULING ORDER
& NOTICE TO PRO SE PLAINTIFF**

FRANK SCARCELLI, et al.,

08-CV-6476

Defendants.

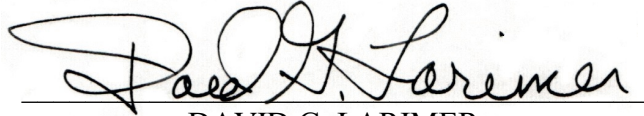
On October 15, 2009, defendant Frank Scarcelli filed a motion to dismiss the Complaint. Plaintiffs are hereby advised that the defendant has asked the Court to decide this case without a trial and dismiss the Complaint based on written materials and for the reasons stated in the motion. THE CLAIMS PLAINTIFFS ASSERTS IN THEIR COMPLAINT MAY BE DISMISSED WITHOUT A TRIAL IF THEY DO NOT RESPOND TO THIS MOTION by addressing the arguments contained in the defendant's motion.

If plaintiffs have any questions, they may direct them to the *Pro Se* office.

Plaintiffs must submit any materials in opposition to defendant's motion no later than November 30, 2009. Reply papers by the moving party must be filed no later than eight (8) business days following the filing of responding papers. **If plaintiffs fail to respond, the Court will decide the motion based on the Complaint and the motion to dismiss.**

The Court will not hold oral argument but will decide the motion based on the papers submitted.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", written over a horizontal line.

DAVID G. LARIMER
UNITED STATES DISTRICT JUDGE

Dated: Rochester, New York
 October 29, 2009